

Environmental Quality Commission E-Announcements

August 4, 2004

Welcome to the electronic announcements of the Kentucky Environmental Quality Commission.

These periodic e-mail announcements will be used to supplement the EQC bi-monthly newsletter *Kentucky's Environment* and keep you up to date on the most recent environmental events occurring in Kentucky. You have received this announcement because you are a subscriber to *Kentucky's Environment*. If this message was sent in error, if you wish to unsubscribe please contact Erik.Siegel@ky.gov. Remember to visit EQC web site at www.eqc.ky.gov for all your daily state and national environmental news - posted everyday on our homepage.

HIGHLIGHTS IN THIS E-EMAIL:

- EQC AUGUST 18 PUBLIC MEETING WILL FOCUS ON PUBLIC PARTICIPATION
- PUBLIC HEARING SCHEDULED ON CALVERT CITY HAZARDOUS WASTE STORAGE AND TREATMENT PERMIT
- PUBLIC HEARING SCHEDULED ON NORTHERN KENTUCKY AIR REGULATIONS
- COAL BOND POOL FUND RESTORED

MEETING ANNOUNCEMENTS

EQC AUG. 18 PUBLIC MEETING: Strengthening Public Participation in State Environmental Decision-making - The public is invited to attend the EQC August 18 public meeting, Room 113, Capitol Annex, Frankfort at 1 p.m. Art Williams, Director of the Jefferson County Air Pollution Control District, Tom FitzGerald, Director of the Kentucky Resources Council, Susan Bush, Commissioner of the Kentucky Department of Natural Resources and Lloyd Cress, Commissioner of the Kentucky Department for Environmental Protection will discuss opportunities to strengthen public participation in state environmental decision-making. For more information contact leslie.cole@ky.gov or visit the EQC Web site at www.eqc.ky.gov

Kentucky's Changing Forests - A public meeting will be held Aug. 10, 2004, 11 a.m. at the Salato Wildlife and Education Center, 1 Game Farm Road, Frankfort, to release of the 2003 Forest Inventory and Analysis Data. E-mail diana.olszowy@ky.gov for more information.

PERMITS -- PUBLIC NOTICES/HEARINGS

Valley View Landfill, Sulfur (Trimble Co.) -The Ky. Division of Waste Management has reopened the public

comment period until Aug. 27 for a draft construction permit to expand the Valley View Landfill by 84 acres. For more information or to submit comments e-mail ron.gruzesky@ky.gov or call (502) 564-6716.

Valley View Landfill, Sulfur (Trimble Co.) - As a result of a Petition for an Adjudicative Hearing in *K. Penny Sanders, et al. v. EPPC, et al.*, File No. DWM-26823-039, a **Pre-hearing Conference, which is open to the public, is scheduled at 10 a.m., on July 30 in the Auxiliary Conference Room, Office of Administrative Hearings, 33 Fountain Place, Frankfort.** The purpose of the pre-hearing conference is to schedule a formal administrative hearing, to simplify and clarify issues, and for any other purpose as may be appropriate. For more information or to submit comments e-mail ron.gruzesky@ky.gov or call (502) 564-6716.

American Environmental Services, formerly LWD's Shar-Cal Facility, Calvert City (Marshall Co.) - The Ky. Division of Waste Management has issued a tentative approval Part B Permit to run a hazardous waste storage and treatment facility. This facility has been operating on interim status until the Part B Permit Application was submitted in its' entirety. **A Public Hearing has been scheduled at the Calvert City Civic Center on September 2 at 5 p.m.** Electronic comments should be submitted to johnf.moore@ky.gov or mailed to Michael Welch, Division of Waste Management, 14 Reilly Road, Frankfort, KY 40601, (502) 564-6716, ext. 246. or see <http://www.waste.ky.gov/news/default.htm>

Cynthiana Wastewater Treatment Plant, Cynthiana (Harrison Co.) - The Ky. Division of Water has drafted a KPDES permit involves an existing discharge and a new discharge from a publicly owned treatment works that enters the South Fork of the Licking River at mile point 46.4 in Harrison County. This permit has been revised to incorporate a permit modification along with the regular issuance. A new wastewater treatment plant is being built on a new site with the same discharge point as the existing plant. The permit is being modified to expand the average daily flow design capacity from 1.5 mgd (million gallons per day) to 2.0 mgd. To comment e-mail suel.davis@ky.gov or phone (502) 564-3410.

Floyds Fork Wastewater Treatment Plant, Louisville and Jefferson County Metropolitan Sewer District. KPDES water permit action involves an existing municipal discharge from a publicly owned treatment works (POTW) that enters Floyds Fork at mile point 37 in Jefferson County. To comment e-mail daymond.talley@ky.gov or phone (502) 564-3210.

Estill County Energy Partners, Irvine - The State Board on Electric Generation and Transmission Siting will hold a **Public Hearing on Aug. 5 at 7 p.m. in the second-floor courtroom of the Estill County Courthouse, 130 Main Street, Irvine** to receive public comments on a proposal to build an electric power plant in Estill County. Estill County Energy Partners, LLC has applied to build a 110-megawatt plant on a site near Irvine. The plant would be located on 28 acres of a 505-acre site previously used for coal preparation and would burn waste coal now stockpiled at the site. To view the application see http://psc.ky.gov/agencies/psc/siting_board/merchant.htm or contact the Public Service Commission, (502) 564-3940.

Trim Masters, Harrodsburg (Mercer Co.) - The Ky. Division for Air Quality will conduct a **Public Hearing on Aug. 23 at 6:30 p.m. in the Mercer County High School Cafeteria, 937 Moberly Road, Harrodsburg.** Comments will be heard regarding the issuance of Trim Masters, Inc., a conditional major air quality permit which includes construction of four spray booths. See http://www.air.ky.gov/NR/rdonlyres/5A588D61-E177-4239-B97A-C200E7B62838/0/TrimMaster_PublicHearingNotice.pdf

Tokico, Berea (Madison Co.) - The Ky. Division for Air Quality will conduct a **Public Hearing on Aug. 30 at 6:30 p.m. in the Berea City Hall, at 212 Chestnut Street, Berea.** Comments will be heard regarding the issuance of Tokico (USA) Inc., a Title V air quality permit to operate a hard chromium electroplating facility. See http://www.air.ky.gov/NR/rdonlyres/31CE6685-EDCA-4D6F-9F92-FA76C109A1B1/0/Tokico_PublicHearingNotice.pdf

STATE REGULATIONS -- PUBLIC NOTICES/HEARINGS

AIR -- 401 KAR 59:185, New solvent metal cleaning equipment. The 2004 General Assembly instructed the Environmental and Public Protection Cabinet to explore methods to replace the vehicle emissions testing (VET) program in Northern Kentucky. Any alternative methods must be approved by the U.S. Environmental Protection Agency. The Cabinet is proposing to amend 401 KAR 59:185, New solvent metal cleaning equipment, to reduce VOC emissions from cold cleaning degreasing operations in Boone, Campbell, and Kenton counties in Northern Kentucky. Only sources located in any of these three counties will be affected by this amendment. Public comment is open until Aug. 31. **A Public Hearing has been scheduled at the Division for Air Quality, 803 Schenkel Lane, Frankfort on Aug. 24 at 10 a.m.** The Cabinet also proposes to amend 401 KAR 57:002, 58:025, 60:005, 60:670, and 63:002 to include revisions codified in the July 1, 2003, *Code of Federal Regulations* and published in the *Federal Register*. The requirements contained in 401 KAR 63:105 are being incorporated into 401 KAR 63:002. Written notification of intent to speak at the meeting is required 5 days in advance of the meeting. See http://www.air.ky.gov/NR/rdonlyres/FA1E469E-9302-4322-B95E-1DAB7F323E9D/0/401KAR59185reg_NewSolventMetalCleaningEquipement_729.pdf E-mail gerry.ennis@ky.gov or phone (502) 573-3382.

AIR -- Revision to the State Implementation Plan. The Environmental and Public Protection Cabinet will conduct a Public Hearing on August 25 at 6 p.m. in the Conference Room of the Northern Kentucky Area Development District, 22 Spiral Drive, Florence, Kentucky. This hearing is being held to receive comments on a proposed State Implementation Plan (SIP) revision for the Kentucky portion of the Cincinnati-Hamilton County 1-hour ozone maintenance plan http://www.air.ky.gov/NR/rdonlyres/BD53DBC8-AC49-441A-9FBD-CE23FED046C1/0/OzoneMaintPlan_BooneCampbellKentonCo_June2004.pdf. This revision, when approved by U.S. EPA, will move the area's vehicle emissions testing program to the contingency measures portion of the maintenance plan and document that equivalent and contemporaneous emission reductions from other programs will occur to replace emission reductions documented to occur from the vehicle emissions testing program. The counties involved are Boone, Kenton, and Campbell Counties. E-mail gerry.ennis@ky.gov or phone (502) 573-3382.

WASTE -- 415 KAR 1:060E Financial Responsibility Account. This emergency amendment establishes a financial responsibility account (formerly the Petroleum Tank Assurance Fund), which may be used by petroleum storage tank owners and operators to demonstrate financial responsibility for the payment of the cost of corrective action and third-party liability. The regulation specifies the balance of the account will now be based on the "cash balance" of the fund as opposed to the current wording of 415 KAR 1:060(11) requiring a minimum unobligated balance. By considering only the cash balance, the cabinet will be allowed to continue to accept and approve applications for the remainder of FY04. Without this amendment, the unobligated balance would be deemed to have dropped below the required level of \$1.5 million, effectively closing the door to new applicants, and halting future cleanup projects. **A Public Hearing is scheduled for Aug 26 at 10 a.m. at the Division of Waste Management, Building #5, Conference Room 5A, 14 Reilly Rd., Frankfort.** Individuals who intend to be heard are required to notify the agency in writing by Aug. 19, 2004. If no notification of intent to attend is received by that date, the hearing may be canceled. E-mail michael.mullins@ky.gov or phone (502) 564-6716.

WATER -- 401 KAR 5:030 Antidegradation Policy Implementation Methodology, amended after comments. This regulation establishes requirements for the implementation of the general antidegradation statement in 5:029 (above) for new and expanded discharges to waters classified as Outstanding National Resource Water, Exceptional Water, High Quality Water (new proposed category), or impaired water (new proposed category). An agency amendment has been suggested to the ARRS to incorporate by reference a flow chart of the antidegradation process for informational purposes. The intent of the flow chart is to assist comprehension of the requirements. Another agency amendment includes detailed information on the limits for new or expanded sewage dischargers to waters categorized as High Quality Water. This amendment is necessary to provide consistency with the other requirements. The EPPC proposes an agency amendment to include language that permit applications for discharges to High Quality Water would be required to comply with 401 KAR 5:030, Section 1(3)(b) after U.S. EPA approval. This is required by 40 C.F.R. 131.21. The amended regulation along with proposed amendments to 401 KAR 5:002, 5:026, 5:029, 5:031 had been deferred since January. **The Administration and Regulation Review Subcommittee of the Kentucky Legislature will consider these proposed amendments at a meeting on Aug. 10 at 10:30 a.m., Room 149, Capitol Annex, Frankfort.** For more information see <http://www.water.ky.gov/statutes/Administrative+Regulations.htm>

STATE NEWS

State Restores Funding to Kentucky Bond Pool for Coal Operators

The Environmental and Public Protection Cabinet announced on July 12 that it has resolved an issue with the federal Office of Surface Mining regarding the transfer of \$3.84 million from the Kentucky Bond Pool Fund to the state's General Fund. In 2002, the Kentucky General Assembly issued a legislative directive requiring this transfer of funds. The OSM later disapproved the transfer and suspended the issuance of new financial guarantees to small- and medium-size coal companies, thus rendering the fund insolvent. The cabinet had argued that the transfer should not affect the fund's solvency because the fund balance remained well within the operating range established in a 2003 Actuarial Report. The Kentucky Bond Pool Fund provides bond coverage for small- and medium-sized coal operator's reclamation liability. This action fulfills the requirements contained in the May 13 Federal Register Notice that Kentucky replenish \$3.84 million into the Bond Pool Fund. See <http://www.environment.ky.gov/press/press2004/july2004/07-12bondpool.htm>